



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 112-20 – Regulations Governing the Practice of Physical Therapy Department of Health Professions, Board of Physical Therapy

March 13, 2002

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

Sections 54.1-3474 and 54.1-3480.1 of the *Code of Virginia* mandate that the Board of Physical Therapy establish continuing education requirements for practitioners whom it licenses. The proposed regulations are identical to and will replace emergency regulations that went into effect on November 1, 2001. The proposed regulations require 30 hours of continuing education per biennium for the renewal of an active license. Physical therapists must have at least 15, physical therapist assistants at least 10 hours, of Type 1, face-to-face continuing education that must be offered by an approved sponsor or organization. The remaining hours may be gained by consultation, self-study or other activities considered by the learner as valuable to continued learning in his practice.

The regulations also address the retention of records, random audits, extensions and exemptions, and continuing education requirements for the reactivation of an inactive or lapsed license.

Estimated Economic Impact

The most significant change proposed to the current regulations is the addition of continuing education (CE) requirements for the renewal of an active license. The existing rules do not require any proof of continuing competency in the profession. The monetary costs of this provision are the costs of any courses offered for the purposes of meeting the requirements of this regulation (whether paid for by the practitioner, his employer, or professional association).

Compliance costs for meeting the CE requirements will differ across licensees. Some licensees may already be obtaining CE hours during employer in-service training sessions or for professional credentialing. For these individuals, the proposed requirements will not result in any additional costs aside from those associated with the documentation and maintenance of records. For other practitioners, however, the proposed CE requirements can be expected to represent a new cost. Based on information provided by the agency, the monetary costs for earning the required CE hours could range from \$0 to several hundred dollars per biennium for each of the 5,600 licensees.¹ Additionally, practitioners would incur the cost of the time spent on pursuing such activities, whether in lost income or lost leisure time, and any costs associated with the documentation and maintenance of the records.

Reinstatement of Inactive and Lapsed Licenses

Requirements are set forth that the reactivation of an inactive license or reinstatement of a lapsed license include documentation of having completed continued competency hours equal to the requirement for the length of time, not to exceed four years, that the license has been inactive. In addition, practitioners who have not engaged in active practice (at least 320 hours of professional practice within the previous 48 months) must serve a board-approved practice under the supervision of a licensed physical therapist.

Conclusion

The proposed CE requirements and license reactivation criteria can be expected to provide some beneficial results. The proposed rules would provide some assurance to the public that licensees of the Board of Physical Therapy are maintaining their knowledge, skills, and

¹ Opportunities for continuing education hours include courses offered during the Virginia Physical Therapy Association (VPTA) annual conference (\$300 for 15 to 18 hours CE) and courses offered by medical facilities (e.g. the regional medical center in the Harrisonburg area offers 11.5 hour courses for \$200).

competencies. While there is no empirical evidence currently available with which to estimate the potential benefits resulting from the proposed requirements, even just a few instances of serious injury avoided due to additional safeguards to assure the competency of practitioners would justify the anticipated costs of this regulation.

The Board of Physical Therapy will also incur costs related to enforcement of the proposed CE requirements. Based on experience with other professions, the Board estimates that the biennial audits of licensees will result in approximately 20 cases settled with a pre-hearing consent order (\$100 per case) and 3 cases requiring informal conference committee proceedings (\$500 per case). Enforcement of the proposed requirements will increase compliance, and if the requirements themselves result in a net economic benefit, then the enforcement costs are also justified.

Businesses and Entities Affected

There are 4,136 physical therapists and 1,503 physical therapist assistants currently licensed in Virginia who would be affected by the proposed changes to this regulation.

Localities Particularly Affected

The proposed changes to this regulation are not expected to uniquely affect any particular localities.

Projected Impact on Employment

The proposed changes to this regulation are not expected to have any significant impact on employment in Virginia.

Effects on the Use and Value of Private Property

The proposed changes to this regulation are not expected to have any significant effects on the use and value of private property in Virginia.